

SENATE BILL REPORT

SB 5407

As Passed Senate, February 16, 2007

Title: An act relating to certificates of discharge.

Brief Description: Changing certificate of discharge requirements.

Sponsors: Senators Regala, Carrell, Hargrove and Brandland; by request of Secretary of State.

Brief History:

Committee Activity: Human Services & Corrections: 2/01/07 [DP].

Passed Senate: 2/16/07, 41-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: The Washington State Constitution prohibits people convicted of an infamous crime from voting unless their civil rights are restored. "Infamous crime" is defined as a crime punishable by death or imprisonment in a state correctional facility, i.e., a felony. A criminal sentence pursuant to a felony conviction may include a term of incarceration; a term of supervision in the community (community custody); an obligation to pay legal financial obligations (LFOs); or a combination of incarceration, community custody, and LFOs. LFOs can include victim restitution, crime victims' compensation fees, costs of defense, court-appointed attorneys fees, and fines.

A convicted felon's right to vote may be restored once his or her sentence has been discharged, including completion of all post-incarceration community supervision and payment of all LFOs. The process for restoration of voting rights varies, depending on the date the crime was committed that led to the conviction.

For a person convicted of a crime committed on or after July 1, 1984, the Department of Corrections (DOC) notifies the sentencing court when the person has completed his or her sentence. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. Once the court receives adequate notification that the offender's sentence has been completed, the court then issues a certificate of discharge, which restores the civil rights of the person, including the right to vote. A copy of the certificate is

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also sent to the auditor for the county in which the offender was sentenced and to DOC, which is required to maintain the information in a database.

For a person convicted of a crime committed before July 1, 1984, the Indeterminate Sentencing Review Board (Board) issues the certificate of discharge to the individual in person or by mail at his or her last known address. A copy of the certificate is also sent to the auditor for the county in which the offender was sentenced and to DOC, which is required to maintain the information in a database.

When an offender has completed all of the requirements of his or her sentence, statutory provisions also require the county clerk to transmit this information to the Secretary of State. Once an offender has completed all of the requirements of all of his or her sentences, the Secretary of State must transmit information regarding the restoration of the person's voting rights to the county auditor where the conviction took place or where the offender now resides.

The Secretary of State compares the names and dates of birth of registered voters with the Washington State Patrol's criminal history database to identify registered voters that are convicted felons. The results of that search are then matched with data from the Office of the Administrator for the Courts, the Indeterminate Sentence Review Board, and the Clemency Board to determine whether certificates of discharge or gubernatorial pardons have been granted.

Summary of Bill: For a person convicted of a crime committed after July 1, 1984, every signed certificate and order of discharge must be filed with the county clerk of the sentencing court. The county clerk must enter the certificate in its database and forward a copy of the certificate to DOC.

For a person convicted of a crime committed before July 1, 1984, upon issuing a certificate of discharge, the Board must send a copy of the certificate to DOC.

Conflicting provisions are repealed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill streamlines the process for filing and tracking certificates of discharge for convicted felons. The responsibility for maintaining a database of certificates of discharge is transferred from the Department of Corrections to the Administrative Office of the Courts (AOC). The AOC already maintains this information in their records.

Persons Testifying: PRO: Katie Blinn, Office of the Secretary of State.